IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODGING) NO.1232 OF 2005

M/s.Lakshmichand Vasanji & Co. (Exports) Petitioner

versus

Union of India and others Respondents

WITH
WRIT PETITION (LODGING) NO.1259 OF 2005

Kiran C.Mehta Petitioner

versus

Union of India and others Respondents

Vikram Nankani i/by Nankani & Associates for petitioners.

Suresh Kumar with D.A.Dubey for respondents.

CORAM : H.L.GOKHALE AND
S.C.DHARMADHIKARI, JJ.

DATE : 2nd May 2005

PC :

1. Mr.Nankani appears for petitioners and Mr.Suresh Kumar and Mr.Dubey appears for respondents 1 and 3. Respondent no.2 is a Quasi Judicial Authority.

2. The petitioners in both these petitions have filed appeals to the Appellate Tribunal for Foreign Exchange. The two appeals are numbered as Appeal No.288/2000 and Appeal No.331/2000. In both these appeals the counsel concerned wanted time when the stay application came to be considered by the Appellate Tribunal. Time was sought on the ground of demise of wife of counsel tho was appearing. The Tribunal, in our view, ought to have considered the same and adjourned the matter. It is only for this limited purpose that we are interfering with both these impugned orders and restoring the stay applications to the file of Appellate Tribunal.

3. The Tribunal will give notice to both these petitioners to appear on a date when the stay applications will be listed and Tribunal will consider the stay applications on its' own merits. We are not expressing on the merits of the order passed by the Tribunal otherwise one way or the other. Both the petitions stands allowed in these terms.

(H.L.GOKHALE, J.)

(S.C.DHARMADHIKARI, J.)